

A RESOLUTION authorizing  
the City of Fort Wayne,  
Indiana, to enter into a  
Fire Protection Contract  
with Zollner Corporation.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON  
COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The attached Fire Protection  
Contract by and between the City of Fort Wayne, Indiana,  
and the Zollner Corporation, is hereby approved, ratified  
and affirmed in all respects and the appropriate  
officials of the City of Fort Wayne, Indiana, are hereby  
empowered to execute same.

SECTION 2. Said Fire Protection Contract is  
made a part hereof and two (2) copies are on file in the  
Office of the City Clerk and are available for public  
inspection.

SECTION 3. This Resolution shall be in full  
force and effect from and after its passage and any and  
all necessary approval by the Mayor.

Don J. Schmitter  
Council Member

APPROVED AS TO FORM  
AND LEGALITY

J. Timothy McCaulay  
J. Timothy McCaulay, City Attorney

Approved 5/7/92  
Board of Safety

FIRE PROTECTION CONTRACT

This Contract is entered into in duplicate, effective the 1st day of January, 1992, between the CITY OF FORT WAYNE, INDIANA, acting by and through its Mayor and members of the Board of Public Safety ("City") and ZOLLNER COMPANY LIMITED PARTNERSHIP, an Indiana corporation, having its principal place of business in Adams Township, Allen County, Indiana ("Zollner").

WHEREAS, Zollner is the owner of certain improvements upon real estate near, but outside the corporate limits, of the City of Fort Wayne, the common address for which is 2425 Coliseum Boulevard South, Fort Wayne, Indiana 46803, intending to include in the fire protection coverage provided by this Contract, all improvements existing on or at said location during the continuation of this Contract (the "Premises"), and

WHEREAS, Zollner desires to be assured that fire protection by the City is available to the Premises.

NOW, THEREFORE, the parties agree as follows:

1. TERM. For a continuous period of three (3) years, commencing January 1, 1992, and terminating December 31, 1994, upon the receipt by the City's Fire Department of a notification or signal that there is a fire on the Premises above described, City shall cause the proper fire fighting station or stations to send such fire fighting equipment, materials and personnel to the Premises as it reasonably sends to other similar locations within the corporate limits of the City.

2. MATERIALS. Zollner shall reimburse City for foam and powder used to extinguish any fire, said reimbursement to be made within ten (10) days after being billed by City for said materials so used.
3. PAYMENT FOR FIRE FIGHTING SERVICES. For the fire fighting services provided by this Contract, Zollner agrees to pay City an annual sum of \$7,800.00 payable in two installments of \$3,900.00 each, due on the 15th day of January and the 15th day of July hereafter during the term of this agreement, with the first installment due January 15, 1992.
4. INSPECTION. City shall cause its Fire Department personnel and Fire Prevention Bureau personnel to inspect Zollner's building, equipment and facilities periodically, at mutually convenient times, to familiarize such personnel with said buildings, equipment and facilities and Zollner's operation on the Premises, so as to (1) determine the types of fires which may reasonably be anticipated on the Premises; (2) be able to render service commensurate with existing service conditions; and (3) make recommendations relative to fire prevention.
5. NON-ASSUMPTION OF LIABILITY. City and City's Fire Department shall not assume any liability for the safety, well-being or destruction of any structures, buildings or the contents therein, nor for individuals involved

therein, in the execution of this Contract.

6. CONTRACT EFFECTIVE. Notwithstanding the foregoing provisions, this Contract shall not become effective until it shall have been signed by the Mayor and the members of the Board of Public Safety, and ratified and approved by the Common Council of the City.

ZOLLNER COMPANY LIMITED PARTNERSHIP

BY: Ronald Lubman

CITY OF FORT WAYNE, INDIANA

BY: Paul Helmke  
Paul Helmke, Mayor

BOARD OF PUBLIC SAFETY

BY: Payne D. Brown  
Payne D. Brown  
Director of Public Safety

BOARD OF PUBLIC SAFETY

May 7, 1992

THE REGULAR MEETING of the Board of Safety was convened by Charles Weinraub.

THE BOARD received a request for a continuance from the attorney for Dennis McCann of the Fort Wayne Police Department on the dismissal hearing that was scheduled for May 12, 1992 at 9:00 A.M. The Board granted the continuance until June 2, 1992 at 3:30.

THE MINUTES of the April 9, 1992 meeting were moved for approval by Hana Stith and seconded by Donald Stedge. The motion carried.

THE BOARD received the Fire Protection Contract between the City of Fort Wayne and the Zollner Company. The motion was made by Hana Stith and seconded by Donald Stedge to accept the contract. The motion carried.

THE BOARD received a request for fee adjustments for the Department of Animal Control. The motion was made by Donald Stedge and seconded by Hana Stith to accept the fee adjustments. The motion carried.

THE BOARD received the following resignations from the Fort Wayne Fire Department:

John Gillespie  
George Pinney  
Edward Ross

The motion was made by Donald Stedge and seconded by Hana Stith to accept the resignations. The motion carried.

THE BOARD received the following applications for Special Police Commissions:

Ramon Navarro of the Board of Health  
Willie Martin of the Board of Health  
John Porter of the Board of Health  
Albert Pothoff of the Board of Health

Donald Stedge moved and it was seconded by Hana Stith to hold the application of Ramon Navarro until the Chief of Police had signed the application. The motion carried.

Donald Stedge moved and Hana Stith seconded to accept the other Special Police Commissions. The motion carried.

THERE BEING NO NEW BUSINESS, THE MEETING ADJOURNED AT 4:40 P.M.

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Charles J. Weinraub  
Chairman Board of Public Safety

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Hana L. Stith  
Member Board of Public Safety

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Donald D. Stedge  
Member Board of Public Safety

Read the first time in full and on motion by Don Jantz,  
and duly adopted, read the second time by title and referred to the  
Committee on Finance (and the City Plan Commission  
for recommendation) and Public Hearing to be held after due legal notice, at  
the Common Council Council Conference Room 128, City-County Building, Fort  
Wayne,, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock  
\_\_\_\_\_, M., E.S.T.

DATED: 5-26-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Don Jantz,  
and duly adopted, placed on its passage. PASSED 10-31-92  
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>8</u>			<u>1</u>
BRADBURY				<u>✓</u>
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 6-9-92

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (ANNEXATION) \_\_\_\_\_ (APPROPRIATION) \_\_\_\_\_ (GENERAL)  
(SPECIAL) \_\_\_\_\_ (ZONING) \_\_\_\_\_ ORDINANCE RESOLUTION NO. 09-31-92  
on the 9th day of June, 19 92

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Thomas P. Henry  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 10th day of June, 19 92,  
at the hour of 11:30 o'clock 11 M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 11th day of June,  
19 92, at the hour of 3:40 o'clock 3 M., E.S.T.

Paul Helmke  
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE RESOLUTION

DEPARTMENT REQUESTING ORDINANCE BOARD OF PUBLIC SAFETY

SYNOPSIS OF ORDINANCE AUTHORIZES THE CITY THROUGH THE  
BOARD OF PUBLIC SAFETY TO ENTER INTO A CONTRACT WHEREBY  
THE CITY PROVIDES CONTINUOUS FIRE PROTECTION TO ZOLLNER  
CORPORATION FOR A THREE YEAR PERIOD.

9-92-05-19

EFFECT OF PASSAGE ALLOWS THE CITY TO PROVIDE ZOLLNER  
CORPORATION FIRE PROTECTION SERVICES.

EFFECT OF NON-PASSAGE LOSS OF \$7,800 IN ANNUAL INCOME.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS)

ASSIGNED TO COMMITTEE (PRESIDENT)

BILL NO. R-92-05-19

REPORT OF THE COMMITTEE ON  
FINANCE

MARK E. GiaQUINTA, CHAIR  
DONALD J. SCHMIDT, VICE CHAIR  
EDMONDS, RAVINE

WE, YOUR COMMITTEE ON FINNACE TO WHOM WAS

REFERRED AN (~~ORDINANCE~~) (RESOLUTION) authorizing the City of  
Fort Wayne, Indiana, to enter into a Fire Protection  
Contract with Zollner Corporation

HAVE HAD SAID (~~ORDINANCE~~) (RESOLUTION) UNDER CONSIDERATION  
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID  
(~~ORDINANCE~~) (RESOLUTION) \_\_\_\_\_

DO PASS

DO NOT PASS

ABSTAIN

NO REC

*Mark E. GiaQuinta*

*Alcee Ravine*

*Donald J. Schmidt*

*C. P. Edmonds*

DATED: 6-9-92

Sandra E. Kennedy  
City Clerk